

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
2011 DEC -2 PM 3:50  
TEXAS-EASTERN

David E. Mack  
*Plaintiff*

vs

EQUABLE ASCENT FINANCIAL, LLC  
Successor in interest to:  
HILCO RECEIVABLES, LLC  
*Defendant*

Case No

4:11-cv-793

Judge

Schell

TRIAL BY JURY DEMANDED

**ORIGINAL COMPLAINT FOR VIOLATION OF THE FCRA**

**JURISDICTION**

1. This court has jurisdiction under 15 U.S.C. §1681p and 28 U.S.C §1331.
2. All conditions precedent to the bringing of this action have been performed.

**PARTIES**

3. The Plaintiff in this lawsuit is David E. Mack, a natural person, who resides in Collin County, Texas.
4. The Defendant in this lawsuit is EQUABLE ASCENT FINANCIAL, LLC who is successor in interest to HILCO RECEIVABLES, LLC an unknown entity with offices at 1120 W. Lake Cook Road, Suite B, Buffalo Grove, Illinois 60089.

**VENUE**

5. The occurrences which give rise to this action occurred in Collin County, Texas and Plaintiff resides in Collin County, Texas.
6. Venue is proper in the Eastern District of Texas Sherman Division.

**GENERAL ALLEGATIONS**

7. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
8. Plaintiff determined that his consumer credit report had been obtained on various occasions by various entities he did not recognize and without his consent.
9. Plaintiff found after examination of his TransUnion consumer credit report that Defendant HILCO RECEIVABLES, LLC had obtained Plaintiff's TransUnion consumer credit report in February 2009.
10. EQUABLE ASCENT FINANCIAL, LLC stands liable, as successor in interest, for the actions of HILCO RECEIVABLES, LLC.
11. Discovery of violations brought forth herein occurred in May 2011 and are within the statute of limitations as defined in FCRA, 15 U.S.C. § 1681p.

**Count I**

**VIOLATION OF THE FAIR CREDIT REPORTING  
ACT (FCRA) 15 U.S.C. §1681**

12. Paragraphs 1 through 11 are realleged as though fully set forth herein.
13. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
14. TransUnion is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
15. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).

16. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
17. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
18. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from HILCO RECEIVABLES, LLC.
19. At no time did Plaintiff give his consent for HILCO RECEIVABLES, LLC to acquire his consumer credit report from any credit reporting agency.
20. In February, 2009 HILCO RECEIVABLES, LLC obtained the TransUnion consumer credit report of the Plaintiff with no permissible purpose in violation of the FCRA, 15 U.S.C. § 1681b.
21. The action of HILCO RECEIVABLES, LLC obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

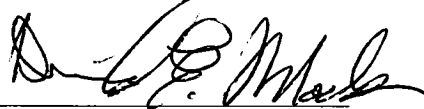
WHEREFORE, Plaintiff demands judgment for damages against Defendant, EQUABLE ASCENT FINANCIAL, LLC as successor in interest to HILCO RECEIVABLES, LLC for statutory damages of \$1000.00, attorney's fees, and costs pursuant to 15 U.S.C. § 1681n.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: December 2, 2011

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. E. Mack", written over a horizontal line.

David E. Mack  
7720 McCallum Blvd. #2099  
Dallas, Texas 75252  
972-735-9642

Service to:

EQUABLE ASCENT FINANCIAL, LLC  
1120 W. Lake Cook Road, Suite B  
Buffalo Grove, IL. 60089